

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,455	05/08/2006	Geoffrey Harding	DE 030381	6997
24737 7590 10/03/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER THOMAS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2882	
			MAIL DATE	DELIVERY MODE
			10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,455

Applicant(s)

HARDING, GEOFFREY

Examiner

Courtney Thomas

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the primary collimator (see claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected³¹¹ to because of the following informalities:
3. The disclosure (see pp. 1-7) attempts to describe the invention by referencing the claims.

4. Appropriate correction is required.

Claim Objections

5. Claim 9 is objected to because of the following informalities:

6. Claim 9, line 3 recites: "the third radiation." Examiner notes there is no antecedent basis for the use of this term.

7. The claims have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the claims.

8. Appropriate correction is required.

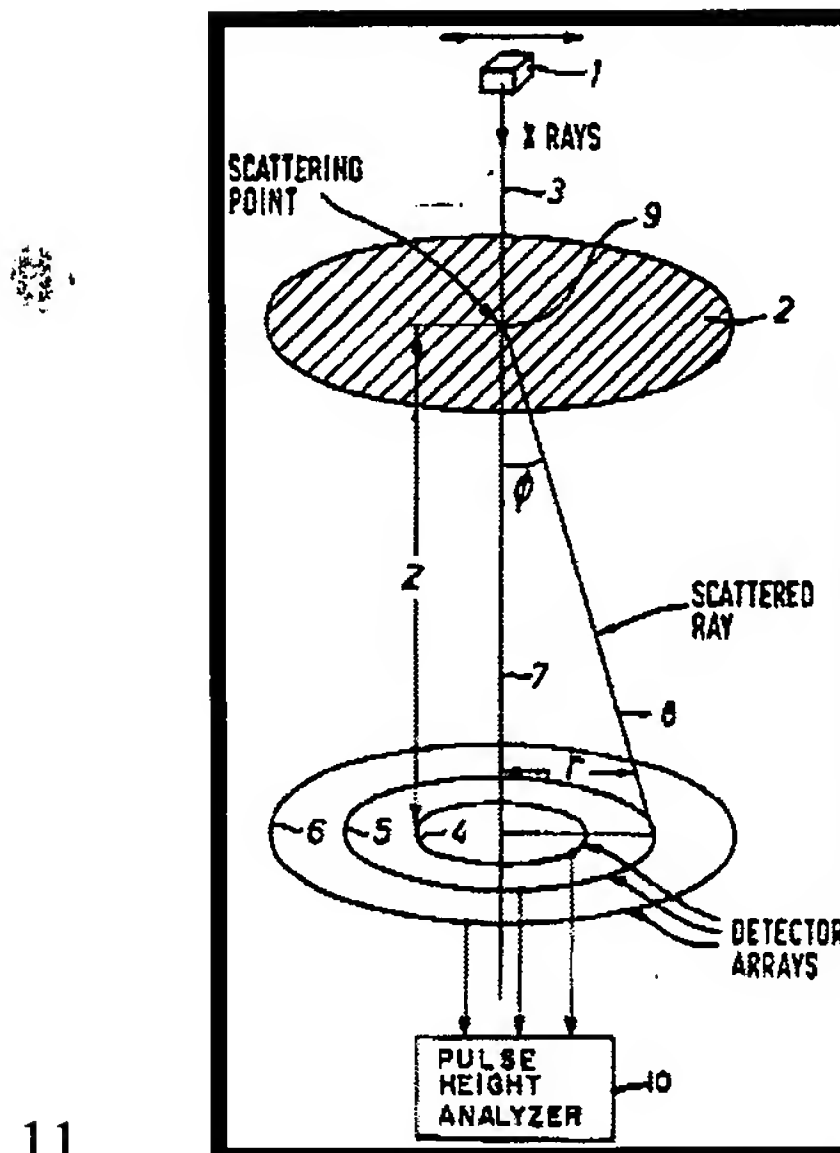
Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gibbon (U.S. Patent No. 3,936,638).



11.

Figure 1 – Inspection Apparatus – U.S. Patent No. 3,936,638 to Gibbon

12. As per claims 1, 11 and 17, Gibbons discloses an apparatus (and corresponding method) comprising: a source of radiation (1) and detector (4-6); wherein the source of radiation produces radiation (X-Rays) sufficient to penetrate an object (2) of interest; wherein the object (2) causes secondary radiation (Scattered Ray - 8) as a first radiation (3) interacts with the object (2); the detector (array 4-6) is stationary during a scan and detects the scattered radiation; the source of radiation (1) is displaceable during a scan (see Fig. 1, shown above; see also 2:12-28)

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2-10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon (U.S. Patent No. 3,936,638).

15. **As per claims 2-4, 7, and 12-16**, Gibbon discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus wherein a source of radiation displaceable along at least a first portion of a first circular path. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbon such that it incorporated a source of radiation displaceable along at least a first portion of a first circular path. One would have been motivated to make such a modification for the purpose of positioning the source such that a field of view of/ within an object is obtained during a scan as suggested by Gibbon and as is currently practiced in the radiation inspection art.

16. **As per claims 5-6**, Gibbon discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus further comprising a primary collimator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbon such that it incorporated a primary collimator. One would have been motivated to make such a modification for the purpose of shaping and/or filtering radiation directed to an object of interest and/or for shaping/filtering radiation transmitted through an object prior to impinging on a detection element as is commonly practiced in the radiation inspection art.

17. **As per claim 8**, Gibbon discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus that is transportable and adapted for baggage inspection; and wherein the source of radiation is a polychromatic x-ray source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbon such that it incorporated the aforementioned limitations. One would have been motivated to make such a modification for the purpose of designing an apparatus that is adapted for

Art Unit: 2882

movement from one inspection site to another, the article of inspection including baggage (as is customarily practiced at airports) and for exposing and detecting an array of materials due to the interaction with a source that incorporates a wide wavelength range.

18. **As per claim 9**, Gibbon discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus wherein the source of radiation comprises a laser pointer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbon such that the source of radiation comprises a laser pointer. One would have been motivated to make such a modification for the purpose of using a visible light source (laser radiation) to correctly align/position an invisible radiation source (X-ray beam).

19. **As per claim 10**, Gibbon discloses an apparatus as recited in claim 1, but does not explicitly disclose an apparatus further comprising a calculation unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Gibbon such that it incorporated a calculation unit. One would have been motivated to make such a modification for the purpose of analyzing data received by the radiation detector, either in the form of a reconstructed image or by identification of materials based on scatter characteristics as is currently practiced in the radiation inspection art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496. The examiner can normally be reached on M - F (9 am - 5 pm).

Art Unit: 2882

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Courtney Thomas
Primary Examiner
Art Unit 2882